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CERTIFICATION OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	
<u>April Dowden</u> <small>Type or print name of person signing certification</small>	<u>07 July 2006</u> <small>Date</small>
<u>Signature</u> <u>Date</u>	

**571-273-8300**

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: CONNER, Scott Eugene

Group Art Unit:

Serial No.: 10/540341

Examiner:

Application Date: December 31, 2003

Conf No.: 1424

For: HETEROCYCLIC PPAR MODULATORS

Docket No.: X-15463

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 27 February 2006, Applicants respectfully request consideration of the accompanying remarks.

No nucleotide or amino acid sequence is disclosed or claimed by the above-captioned application. Thus, Applicants maintain that no sequence listing submission or computer readable submission is required.

Filed concurrent with this Response is a Request for an Extension of Time to respond to this Office Action. Additionally, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 05-0840.

07/10/2006 ZJUHAR1 00000017 050840 10540341

01 FC:1253 1020.00 DA

Serial Number: 10/540341

Please direct any questions regarding this application to the attorney below.

Respectfully submitted,

*MaCharri Vondran-Jones*

MaCharri Vondran-Jones

Attorney for Applicants

Registration No. 36,711

Phone: 317-276-1665

Eli Lilly and Company  
Patent Division/  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

7 July 2006



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Acting COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

U.S. APPLICATION NUMBER NO. 10/540,341	FIRST NAMED APPLICANT Scott Eugene Conner	ATTY. DOCKET NO. X-15463
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**25885  
ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288**

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MAR 03 2005

**ELI LILLY AND COMPANY**  
Patent Division

## **WALMES LETTER**

3/1 FORMATTES ZYXER  
100000000018131136

Date Mailed: 02/27/2006

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.521-1.525 requirements, please contact:

- For Rules Interpretation, call (571) 272-0851
  - For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
  - Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

A copy of this notice **MUST** be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,341	PCT/US03/39119	X-15463

FORM PCT/DO/EO/822 (371 Formalities Notice)

JUL 7 - 2006

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<b>FEE TRANSMITTAL</b>  Effective December 8, 2004		Complete if Known																																																																	
		Serial No.	10/540341																																																																
		Application Date	December 31, 2003																																																																
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<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  <b>05-0840</b>  <b>Eli Lilly and Company</b>		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>Surcharge-late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>Surcharge-late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1251</td> <td>120</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>450</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>1,020</td> <td>Extension for reply within third month</td> <td>1020.00</td> </tr> <tr> <td>1254</td> <td>1,590</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,160</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>500</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>500</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1452</td> <td>500</td> <td>Petition to revive-unintentional</td> <td></td> </tr> <tr> <td>1453</td> <td>1,500</td> <td>Petition to revive-unintentional</td> <td></td> </tr> <tr> <td>1502</td> <td>1,400</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1801</td> <td>780</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid	1051	130	Surcharge-late filing fee or oath		1052	50	Surcharge-late provisional filing fee or cover sheet.		1053	130	Non-English specification		1251	120	Extension for reply within first month		1252	450	Extension for reply within second month		1253	1,020	Extension for reply within third month	1020.00	1254	1,590	Extension for reply within fourth month		1255	2,160	Extension for reply within fifth month		1401	500	Notice of Appeal		1402	500	Filing a brief in support of an appeal		1452	500	Petition to revive-unintentional		1453	1,500	Petition to revive-unintentional		1502	1,400	Utility issue fee (or reissue)		122	130	Petitions to the Commissioner		1801	780	Request for Continued Examination (RCE)	
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Type or Printed Name	Maccharri Verndran-Jones	Reg. Number	36,711																																																																
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